

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NIKOLA CORPORATION,  
Plaintiff,  
v.  
TESLA INCORPORATED,  
Defendant.

Case No. [3:18-cv-07460-JD](#)

**SCHEDULING ORDER**

The Court sets the following case management deadlines pursuant to Federal Rule of Civil Procedure 16. The parties are advised to review and comply with the Court's Standing Order for Civil Cases, Standing Order for Discovery in Civil Cases, and Standing Order for Civil Jury Trials.


Event	Deadline
Patent L.R. 3-1 and 3-2: Infringement Contentions and Related Document Disclosure	December 18, 2020
Patent L.R. 3-3 and 3-4: Invalidity Contentions and Related Document Disclosure	February 12, 2021
Patent L.R. 4-1: Exchange of Proposed Terms for Construction	February 26, 2021
Patent L.R. 4-2: Exchange of Preliminary Claim Constructions and Extrinsic Evidence	March 19, 2021
Patent L.R. 3-8: Damage Contentions by Nikola	April 2, 2021
Patent L.R. 4-3: Joint Claim Construction and Prehearing Statement	April 16, 2021
Patent L.R. 3-9: Responsive Damages Contentions by Tesla	May 7, 2021

Event	Deadline
Patent L.R. 4-4: Completion of Claim Construction Discovery	May 21, 2021
Patent L.R. 4-5(a): Opening Claim Construction Brief	June 4, 2021
Patent L.R. 4-5(b): Responsive Claim Construction	June 18, 2021
Patent L.R. 4-5(c): Reply Claim Construction Brief	June 25, 2021
Patent L.R. 4-6: Claim Construction Hearing and Tutorial	<u>Tutorial</u> : September 16, 2021 at 11:00 a.m. <u>Claim Construction</u> : September 30, 2021 at 11:00 a.m.
Patent L.R. 3-7: Advice of Counsel	30 days after service of Court's Claim Construction Ruling
Last Day to Move to Amend Pleadings or Add Parties	February 5, 2021
Close of Fact Discovery	November 19, 2021
Expert Disclosure (Initial)	January 7, 2022
Expert Disclosure (Rebuttal)	January 28, 2022
Reply Expert Reports	February 11, 2022
Close of Expert Discovery	March 18, 2022
Last Day to File Daubert and Dispositive Motions	April 22, 2022
Final Pretrial Conference	August 18, 2022
Jury Trial	September 5, 2022

1 All dates set by the Court should be regarded as firm. Counsel may not modify these dates  
2 by stipulation without leave of court. Requests for continuances are disfavored, and scheduling  
3 conflicts that are created subsequent to the date of this order by any party, counsel or party-  
4 controlled expert or witness will not be considered good cause for a continuance.

5 **IT IS SO ORDERED.**

6 Dated: November 23, 2020

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9 JAMES DONATO  
10 United States District Judge  
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